

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**GREGG BRAUN, Chapter 11 Trustee
for COAST GRAIN COMPANY, a
California corporation,**

Plaintiff,

v.

**AGRI-SYSTEMS, a Montana
corporation,**

Defendant

AND RELATED COUNTERCLAIMS

CV-F-02-6482 AWI SMS

**ORDER VACATING
HEARING DATE OF APRIL 3,
2006 AND TAKING MATTER
UNDER SUBMISSION**

This is an action for damages and declaratory relief by plaintiff Greg Braun, Chapter 11 trustee for the bankruptcy estate of debtor Coast Grain Company ("Plaintiff") and related counterclaims by defendant Agri-Systems ("Defendant") for breach of contract. Currently before the court is Defendant's motion for summary judgment or summary adjudication on Plaintiff's claims. The matter was scheduled for oral argument to be held on April 3, 2006.

The court has reviewed Defendant's motion, Plaintiff's opposition, and Defendant's reply, and has determined that the matter is suitable for determination without oral argument. Local Rule 78-230(h). Should the court determine oral argument is warranted after further review of the parties' submitted materials, the court will set a date for or oral argument pursuant to Local Rule 78-230(h).

1 THEREFORE, it is hereby ORDERED that the hearing date of April 3, 2006, is
2 hereby VACATED and no party shall appear at that time. As of April 3, 2006, the court will
3 take the matter under submission and will thereafter render its decision.

4
5 IT IS SO ORDERED.

6 **Dated: March 29, 2006**
h2ehf

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE